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PETTY UNLIMITED LLC

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES - CENTRAL DISTRICT

PETTY UNLIMITED LLC, a California limited
liability company,

Plaintiff,

v.

DANA YORK PETTY, an individual; TOM
PETTY LEGACY, LLC, a California limited
liability company; LAWRENCE N. JENKINS, an
individual; LJ ENTERTAINMENT LLC, a
Delaware limited liability company; ANTHONY
DIMITRIADES, an individual; ALAN ARORA,
an individual; and DOES 1 through 50, inclusive,

Defendants.

Case No.: **19STCV16838**

COMPLAINT FOR:

- 1. USURPATION OF COMPANY OPPORTUNITIES;**
- 2. BREACH OF FIDUCIARY DUTY;**
- 3. AIDING AND ABETTING BREACH OF FIDUCIARY DUTY;**
- 4. CONVERSION AND CONSPIRACY;**
- 5. RECOVERY;**
- 6. INTENTIONAL INTERFERENCE AND CONSPIRACY TO INTENTIONALLY INTERFERE WITH PROSPECTIVE ECONOMIC ADVANTAGE;**
- 7. UNFAIR COMPETITION;**
- 8. VIOLATION OF BUSINESS AND PROFESSIONS CODE §§ 17200, ET SEQ.; and**
- 9. UNJUST ENRICHMENT**

DEMAND FOR JURY TRIAL

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Plaintiff Petty Unlimited LLC, for its Complaint against Defendants Dana York Petty, Tom Petty Legacy, LLC, Lawrence N. Jenkins, LJ Entertainment LLC, Anthony Dimitriades, Alan Arora and Does 1 through 50, inclusive, alleges as follows:

NATURE OF THIS ACTION

1. Plaintiff Petty Unlimited LLC (“Plaintiff” or “Petty Unlimited”) brings this action to remedy the self-dealing, theft, and gross mismanagement of company assets by Defendant Dana York Petty (“Dana” or “Dana York Petty”), the surviving spouse of Thomas Earl Petty (“Tom”), deceased, professionally known as “Tom Petty.” Tom entrusted Dana and his daughters, Adria Robin Petty and Annakim Violette, to manage Plaintiff after his death with clear instructions that they participate equally in the management of Plaintiff. Regrettably, Dana has refused her late husband’s instructions and insisted instead upon competing against Plaintiff and misappropriating its business opportunities and assets, all the while continuing to ostensibly serve as a manager of Plaintiff. Among other things, Dana has established Tom Petty Legacy, LLC, as a vehicle through which to deprive Plaintiff of its business and compete against Plaintiff, and retained Defendants Lawrence N. Jenkins, LJ Entertainment LLC, Anthony Dimitriades and Alan Arora, among other persons, to work in conjunction with her to usurp Plaintiff’s business opportunities and misappropriate its assets. Plaintiff therefore brings this action for damages and other relief against Dana and her co-Defendants based on claims including usurpation of company opportunities, breach of fiduciary duty, conversion, intentional interference with prospective economic advantage, unfair competition and unjust enrichment.

THE PARTIES

2. Plaintiff Petty Unlimited LLC is a limited liability company, which is organized under the laws of the State of California and has its principal place of business in Los Angeles County, California.

3. Defendant Dana York Petty is an individual, who resides and conducts business in Los Angeles County, California.

4. Defendant Tom Petty Legacy, LLC (“TPL”) is a limited liability company, which is organized under the laws of the State of California and has its principal place of business in

Los Angeles County, California.

5. Defendant Lawrence N. Jenkins (“Jenkins”) is an individual, who resides and conducts business in Los Angeles County, California.

6. Defendant LJ Entertainment LLC (“LJ Entertainment”) is a limited liability company, which is organized under the laws of the State of Delaware and has its principal place of business in Los Angeles County, California.

7. Defendant Anthony Dimitriades (“Dimitriades”) is an individual, who resides and conducts business in Los Angeles County, California.

8. Defendant Alan Arora (“Arora”) is an individual, who resides and conducts business in Los Angeles County, California.

9. Plaintiff is not aware of the true names and capacities of Defendants sued herein as Does 1 through 50, inclusive, and therefore sues said Defendants by such fictitious names. Plaintiff will amend this Complaint to show the true names and capacities of said fictitiously named Defendants when the same has been ascertained. Plaintiff is informed and believes, and based thereon alleges, that each of the fictitiously named Defendants is legally responsible for the occurrences alleged herein and proximately caused the harm and damages alleged.

FIRST CAUSE OF ACTION

(Usurpation of Company Opportunities –

Against Defendant Dana York Petty, Individually)

10. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 9, inclusive, as though fully set forth herein.

11. Plaintiff was established March 28, 2018, for purposes of owning and exploiting all tangible and intangible properties held directly or indirectly by Tom Petty at the time of his death and attributable to any of his efforts with respect to his music, including, without limitation, all of his rights as a recording artist, composer, publisher, and/or record producer. Plaintiff owns or otherwise is entitled to possession or dominion of all such properties, as well as the fruits and proceeds derived therefrom, including after the artist’s death. These properties include various master recordings embodying the performances of Tom Petty, musical

1 compositions written by him, musical instruments, memorabilia, merchandise, equipment,
2 copyrights, trademarks, contract rights and other related assets, as well as the stock, certificates,
3 registrations, ownership papers, licenses, consents, books, records, files and other materials used
4 or held for use in connection with such properties.

5 12. Defendant Dana York Petty has at all times since the formation of Plaintiff served
6 as a manager thereof and known of the purposes for which it exists, including the exploitation of
7 master recordings, musical compositions and other assets attributable to Tom Petty's music and
8 the collection, management or administration of Plaintiff's share of the proceeds realized from
9 the exploitation of such music.

10 13. Notwithstanding her duties as a manager of Plaintiff and knowledge of the
11 purposes for which it exists, Defendant Dana York Petty has been and is usurping Plaintiff's
12 business opportunities to exploit its assets, and doing so for her own personal gain or advantage
13 and with intent and for the purpose of depriving Plaintiff of those opportunities and the benefits
14 thereof. The opportunities that Plaintiff has lost to date as a result of Defendant Dana York
15 Petty's conduct include, without limitation, the exploitation of master recordings of Tom Petty
16 through arrangements with MCA Records, Geffen Records, Universal Music Enterprises (UMe),
17 UMG Recordings, Inc., Universal Music Group, Warner Bros. Records, Warner Music Group,
18 Craft Recordings, SiriusXM, SoundExchange and their respective related or affiliated companies
19 and licensees, the exploitation of musical compositions written or co-written by Tom Petty
20 through arrangements with Wixen Music Publishing, ASCAP, Harry Fox Agency, Inc., Concord
21 Music, Canadian Musical Reproduction Rights Agency and other music publishers or performing
22 rights organizations and the exploitation of Tom Petty merchandise through arrangements with
23 Live Nation Merchandise, Inc. or other music-related merchandise companies.

24 14. As a direct and proximate cause of Defendant Dana York Petty's usurpation of
25 Plaintiff's business opportunities as alleged herein, Plaintiff has suffered and continues to suffer
26 damages in an amount in excess of \$5 million, according to proof at trial.

27 15. In doing the acts alleged herein, Defendant Dana York Petty has acted with
28 oppression, fraud and malice, and in conscious disregard of Plaintiff's rights in the conduct of its

1 business and exploitation of its assets, all so as to deprive Plaintiff of the business and profits to
2 which it is entitled and to entitle Plaintiff to an award of exemplary and punitive damages in an
3 amount to be determined at trial.

4 16. As a result of the aforementioned conduct, Plaintiff is entitled to the imposition of
5 a constructive trust in its favor over all of its assets and the proceeds derived therefrom, which
6 are in the possession, custody or control of Defendant Dana York Petty, and to disgorgement
7 from Defendant of all ill-gotten gains wrongfully obtained to the detriment of Plaintiff.

8 17. As a result of the aforementioned conduct, Plaintiff is entitled to the injunctive
9 relief enjoining Defendant Dana York Petty and all persons acting in concert with her from
10 further interfering with Plaintiff's business opportunities and the conversion of its assets.
11 Plaintiff does not have an adequate remedy at law, but rather the master recordings, musical
12 composition and related business opportunities and assets with which Defendant is interfering
13 are of a special, unique, intellectual and extraordinary character having special value and the
14 injury to which cannot be adequately compensated in monetary damages.

15 **SECOND CAUSE OF ACTION**

16 **(Breach of Fiduciary Duty –**

17 **Against Defendant Dana York Petty, Individually)**

18 18. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 17,
19 inclusive, as though fully set forth herein.

20 19. At all relevant times there has existed, and continues to exist, a confidential and
21 fiduciary relationship between Plaintiff and Defendant Dana York Petty as a manager of
22 Plaintiff, and Defendant Dana York Petty has owed, and continues to owe, certain fiduciary
23 obligations to Plaintiff, including, but not limited to, the fiduciary duties of loyalty and utmost
24 good faith, candor and full disclosure and honest and fair dealing.

25 20. In violation of her fiduciary obligations to Plaintiff, Defendant Dana York Petty
26 knowingly, willfully and intentionally breached, and continues to breach, her fiduciary duties to
27 Plaintiff, including, but not limited to, by the following: (a) depriving Plaintiff of its assets or
28 assisting in diverting those assets to another; (b) competing against Plaintiff or assisting in

1 diverting Plaintiff's business to another; (c) misusing the proceeds derived from Plaintiff's assets
2 for purposes other than for Plaintiff or assisting in diverting those proceeds to another; and (d)
3 otherwise acting against Plaintiff's interest, placing her own interests or the interests of another
4 over those of Plaintiff, misappropriating Plaintiff's business, embezzling its funds and converting
5 its assets.

6 21. As a direct and proximate cause of Defendant Dana York Petty's breaches of
7 fiduciary duties as alleged herein, Plaintiff has suffered, and continues to suffer, damages in an
8 amount in excess of \$5 million, according to proof at trial.

9 22. In doing the acts alleged herein, Defendant Dana York Petty has acted with
10 oppression, fraud and malice, and in conscious disregard of Plaintiff's rights in the conduct of its
11 business and exploitation of its assets, all so as to deprive Plaintiff of the business and profits to
12 which it is entitled and to entitle Plaintiff to an award of exemplary and punitive damages in an
13 amount to be determined at trial.

14 23. As a result of the aforementioned conduct, Plaintiff is entitled to the imposition of
15 a constructive trust in its favor over all of its assets and the proceeds derived therefrom, which
16 are in the possession, custody or control of Defendant Dana York Petty, and to disgorgement
17 from Defendant of all ill-gotten gains wrongfully obtained to the detriment of Plaintiff.

18 24. As a result of the aforementioned conduct, Plaintiff is entitled to the injunctive
19 relief enjoining Defendant Dana York Petty, and all persons acting in concert with her, from
20 further interfering with Plaintiff's business opportunities and the conversion of its assets.
21 Plaintiff does not have an adequate remedy at law.

22 **THIRD CAUSE OF ACTION**

23 **(Aiding and Abetting Breach of Fiduciary Duty – Against Defendants**

24 **Tom Petty Legacy, LLC, Lawrence N. Jenkins, LJ Entertainment LLC,**

25 **Anthony Dimitriades, Alan Arora and Does 1-50)**

26 25. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 24,
27 inclusive, as though fully set forth herein.
28

26. Defendants TPL, Jenkins, LJ Entertainment, Dimitriades, Arora and Does 1 through 50 have at all relevant times known that Defendant Dana York Petty, as a manager of Plaintiff, owes certain fiduciary duties to Plaintiff, including, but not limited to, the fiduciary duties of loyalty and utmost good faith, candor and full disclosure and honest and fair dealing.

27. Defendants TPL, Jenkins, LJ Entertainment, Dimitriades, Arora and Does 1 through 50 agreed to, and did, aid and abet Defendant Dana York Petty, as a manager of Plaintiff, in breaching her fiduciary duties to Plaintiff, by intentionally and actively encouraging and substantially assisting, inducing or causing Defendant Dana York Petty to, among other things, do the following: (a) deprive Plaintiff of its assets or assist in diverting those assets to another; (b) compete against Plaintiff or assist in diverting Plaintiff's business to another; (c) misuse the proceeds derived from Plaintiff's assets for purposes other than for Plaintiff or assist in diverting those proceeds to another; and (d) otherwise act against Plaintiff's interest, place her own interests or the interests of another over those of Plaintiff, misappropriate Plaintiff's business, embezzle its funds and convert its assets.

28. As a direct and proximate cause of Defendants' aiding and abetting of Defendant Dana York Petty's breaches of fiduciary duties as alleged herein, Plaintiff has suffered, and continues to suffer, damages in an amount in excess of \$5 million, according to proof at trial. These damages include, without limitation, attorneys' fees incurred by Plaintiff as a result of Defendants' tortious conduct in order for Plaintiff to enforce its rights against Defendant Dana York Petty, as a manager of Plaintiff.

29. In doing the acts alleged herein, Defendants TPL, Jenkins, LJ Entertainment, Dimitriades, Arora and Does 1 through 50 have acted with oppression, fraud and malice, and in conscious disregard of Plaintiff's rights in the conduct of its business and exploitation of its assets, all so as to deprive Plaintiff of the business and profits to which it is entitled and to entitle Plaintiff to an award of exemplary and punitive damages in an amount to be determined at trial.

30. As a result of the aforementioned conduct, Plaintiff is entitled to the imposition of a constructive trust in its favor over all of its assets and the proceeds derived therefrom, which are in the possession, custody or control of Defendants TPL, Jenkins, LJ Entertainment,

1 Dimitriades, Arora and Does 1 through 50, and to disgorgement from such Defendants of all ill-
2 gotten gains wrongfully obtained to the detriment of Plaintiff.

3 31. As a result of the aforementioned conduct, Plaintiff is entitled to the injunctive
4 relief enjoining Defendants, and all persons acting in concert with them, from further interfering
5 with Plaintiff's business opportunities and the conversion of its assets. Plaintiff does not have an
6 adequate remedy at law.

7 **FOURTH CAUSE OF ACTION**

8 **(Conversion and Conspiracy – Against All Defendants)**

9 32. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 31,
10 inclusive, as though fully set forth herein.

11 33. Plaintiff has at all relevant times owned or otherwise been entitled to possession
12 or dominion of all properties held directly or indirectly by Tom Petty at the time of his death and
13 attributable to any of his efforts with respect to his music, as well as the fruits and proceeds
14 derived therefrom after the artist's death, including, but not limited to, the recordings, musical
15 instruments, memorabilia, merchandise, equipment, sheet music, copyright certificates,
16 trademark registrations, stock, ownership papers, royalty accounts and profit participations so
17 held by Tom Petty and attributable to music.

18 34. Defendants have at all relevant times known that Plaintiff owns or otherwise is
19 entitled to possession or dominion of all properties held directly or indirectly by Tom Petty at the
20 time of his death and attributable to any of his efforts with respect to his music, as well as the
21 fruits and proceeds derived therefrom after the artist's death, including, but not limited to, the
22 recordings, musical instruments, memorabilia, merchandise, equipment, sheet music, copyright
23 certificates, trademark registrations, stock, ownership papers, royalty accounts and profit
24 participations so held by Tom Petty and attributable to music.

25 35. Despite knowing of Plaintiff's ownership or right to possession or dominion of
26 properties attributable to Tom Petty's music as alleged herein, Defendants knowingly, willfully
27 and intentionally have converted, and are continuing to convert, such properties, by depriving
28 Plaintiff of its right to possession or dominion of such properties and otherwise wrongfully

1 exerting dominion over such properties in denial of or in a manner inconsistent with Plaintiff's
2 rights therein.

3 36. Defendants have further agreed and conspired, and are continuing to agree and
4 conspire, with each other or with other persons for the purpose of converting Plaintiff's
5 properties as alleged herein, by depriving Plaintiff of its right to possession or dominion of such
6 properties and otherwise wrongfully exerting dominion over such properties in denial of or a
7 manner inconsistent with Plaintiff's rights therein.

8 37. As a direct and proximate cause of Defendants' conversion and conspiracy to
9 convert Plaintiff's properties as alleged herein, Plaintiff has suffered and continues to suffer
10 damages in an amount in excess of \$5 million, according to proof at trial. These damages
11 include, without limitation, attorneys' fees incurred by Plaintiff as a result of the tortious conduct
12 of each Defendant in order for Plaintiff to enforce its rights against other Defendants.

13 38. In doing the acts alleged herein, Defendants have acted with oppression, fraud and
14 malice, and in conscious disregard of Plaintiff's rights in the conduct of its business and
15 exploitation of its assets, all so as to deprive Plaintiff of the business and profits to which it is
16 entitled and to entitle Plaintiff to an award of exemplary and punitive damages in an amount to
17 be determined at trial.

18 39. As a result of the aforementioned conduct, Plaintiff is entitled to the imposition of
19 a constructive trust in its favor over all of its assets and the proceeds derived therefrom, which
20 are in the possession, custody or control of Defendants, and to disgorgement from Defendants of
21 all ill-gotten gains wrongfully obtained to the detriment of Plaintiff.

22 40. As a result of the aforementioned conduct, Plaintiff is entitled to the injunctive
23 relief enjoining Defendants, and all persons acting in concert with them, from further interfering
24 with Plaintiff's business opportunities and the conversion of its assets. Plaintiff does not have an
25 adequate remedy at law.

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FIFTH CAUSE OF ACTION

(Recovery – Against All Defendants)

41. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 40, inclusive, as though fully set forth herein.

42. Plaintiff is entitled to recovery from Defendants of all properties held directly or indirectly by Tom Petty at the time of his death and attributable to any of his efforts with respect to his music, as well as the fruits and proceeds derived therefrom after the artist's death, including, but not limited to, the recordings, musical instruments, memorabilia, merchandise, equipment, sheet music, copyright certificates, trademark registrations, stock, ownership papers, royalty accounts and profit participations so held by Tom Petty and attributable to music.

43. The value of such properties exceeds \$5 million.

SIXTH CAUSE OF ACTION

**(Intentional Interference and Conspiracy to Intentionally Interfere
with Prospective Economic Advantage – Against All Defendants)**

44. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 43, inclusive, as though fully set forth herein.

45. At all relevant times there has existed, and continues to exist, a viable and robust market relating to Plaintiff and the exploitation of its assets relating to Tom Petty's music, including one providing to Plaintiff the opportunity to engage in the business of exploiting such assets, such that Plaintiff has enjoyed the existence of prospective business relationships having a probability of future economic benefits. As alleged above, the opportunities for Plaintiff to engage in the business of exploiting such assets include, without limitation, the exploitation of master recordings of Tom Petty through arrangements with MCA Records, Geffen Records, Universal Music Enterprises (UMe), UMG Recordings, Inc., Universal Music Group, Warner Bros. Records, Warner Music Group, Craft Recordings, SiriusXM, SoundExchange and their respective related or affiliated companies and licensees, the exploitation of musical compositions written or co-written by Tom Petty through arrangements with Wixen Music Publishing, ASCAP, Harry Fox Agency, Inc., Concord Music, Canadian Musical Reproduction Rights

1 Agency and other music publishers or performing rights organizations and the exploitation of
2 Tom Petty merchandise through arrangements with Live Nation Merchandise, Inc. and other
3 music-related merchandise companies.

4 46. Defendants have at all relevant times known of Plaintiff's prospective economic
5 advantage or business relationships as alleged herein, including the opportunities for Plaintiff to
6 exploit in the marketplace its assets relating to Tom Petty's music.

7 47. Notwithstanding their knowledge of Plaintiff's prospective economic advantage
8 or business relationships as alleged herein, Defendants intentionally have interfered, and
9 continue to interfere, with Plaintiff's prospective economic advantage or business relationships,
10 by intentionally converting Plaintiff's assets and misappropriating its business opportunities so
11 as to prevent Plaintiff from exploiting such assets and engaging in such business for the benefit
12 of Plaintiff.

13 48. Defendants have further agreed and conspired, and are continuing to agree and
14 conspire, with each other or with other persons to interfere with Plaintiff's prospective economic
15 advantage or business relationships, by intentionally converting Plaintiff's assets and
16 misappropriating its business opportunities so as to prevent Plaintiff from exploiting such assets
17 and engaging in such business for the benefit of Plaintiff.

18 49. At all relevant times, Defendants knew that their conversion of Plaintiff's assets
19 and misappropriation of its business opportunities would interfere with Plaintiff's prospective
20 advantage or business relationships to exploit such assets and engage in such business for the
21 benefit of Plaintiff.

22 50. Defendants' conversion of Plaintiff's assets and misappropriation of its business
23 opportunities have prevented Plaintiff from exploiting such assets and engaging in such business
24 for the benefit of Plaintiff.

25 51. As a direct and proximate result of Defendants' intentional interference and
26 conspiracy to intentionally interfere with Plaintiff's prospective economic advantage as alleged
27 herein, Plaintiff has suffered and continues to suffer damages in an amount in excess of \$5
28 million, according to proof at trial. These damages include, without limitation, attorneys' fees

1 incurred by Plaintiff as a result of the tortious conduct of each Defendant in order for Plaintiff to
2 enforce its rights against other Defendants.

3 52. In doing the acts alleged herein, Defendants have acted with oppression, fraud and
4 malice, and in conscious disregard of Plaintiff's rights in the conduct of its business and
5 exploitation of its assets, all so as to deprive Plaintiff of the business and profits to which it is
6 entitled and to entitle Plaintiff to an award of exemplary and punitive damages in an amount to
7 be determined at trial.

8 53. As a result of the aforementioned conduct, Plaintiff is entitled to the imposition of
9 a constructive trust in its favor over all of its assets and the proceeds derived therefrom, which
10 are in the possession, custody or control of Defendants, and to disgorgement from Defendants of
11 all ill-gotten gains wrongfully obtained to the detriment of Plaintiff.

12 54. As a result of the aforementioned conduct, Plaintiff is entitled to the injunctive
13 relief enjoining Defendants, and all persons acting in concert with them, from further interfering
14 with Plaintiff's business opportunities and the conversion of its assets. Plaintiff does not have an
15 adequate remedy at law.

16 **SEVENTH CAUSE OF ACTION**

17 **(Common Law Unfair Competition – Against All Defendants)**

18 55. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 54,
19 inclusive, as though fully set forth herein.

20 56. Defendants' conduct as alleged herein violates California's common law against
21 unfair competition.

22 57. As a direct and proximate result of Defendants' unfair competition as alleged
23 herein, Plaintiff has suffered and continues to suffer damages in an amount in excess of \$5
24 million, according to proof at trial. These damages include, without limitation, attorneys' fees
25 incurred by Plaintiff as a result of the tortious conduct of each Defendant in order for Plaintiff to
26 enforce its rights against other Defendants.

27 58. In doing the acts alleged herein, Defendants have acted with oppression, fraud and
28 malice, and in conscious disregard of Plaintiff's rights in the conduct of its business and

1 exploitation of its assets, all so as to deprive Plaintiff of the business and profits to which it is
2 entitled and to entitle Plaintiff to an award of exemplary and punitive damages in an amount to
3 be determined at trial.

4 59. As a result of the aforementioned conduct, Plaintiff is entitled to the imposition of
5 a constructive trust in its favor over all of its assets and the proceeds derived therefrom, which
6 are in the possession, custody or control of Defendants, and to disgorgement from Defendants of
7 all ill-gotten gains wrongfully obtained to the detriment of Plaintiff.

8 60. As a result of the aforementioned conduct, Plaintiff is entitled to the injunctive
9 relief enjoining Defendants, and all persons acting in concert with them, from further interfering
10 with Plaintiff's business opportunities and the conversion of its assets. Plaintiff does not have an
11 adequate remedy at law.

12 **EIGHTH CAUSE OF ACTION**

13 **(Violation of Business & Professions Code §§ 17200, et seq. –**

14 **Against All Defendants)**

15 61. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 60,
16 inclusive, as though fully set forth herein.

17 62. Defendants, and each of them, are actively engaged and participating in unlawful
18 and/or unfair business practices, including, but not limited to, intentionally interfering with
19 Plaintiff's business opportunities and conversion of its assets as alleged herein.

20 63. Defendants, and each of them, will continue to engage and participate in such
21 unlawful and/or unfair business practices unless enjoined from doing pursuant to and in
22 accordance with California Business & Professions Code § 17203.

23 64. Plaintiff is therefore entitled to injunctive relief pursuant to, and in accordance
24 with, California Business & Professions Code § 17203, enjoining Defendants and all persons
25 acting in concert with them from further interfering with Plaintiff's business opportunities and
26 the conversion of its assets. Plaintiff does not have an adequate remedy at law.

NINTH CAUSE OF ACTION

(Unjust Enrichment – Against All Defendants)

65. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 64, inclusive, as though fully set forth herein.

66. In doing the wrongful acts alleged herein, Defendants have been, and are, unjustly enriched to the detriment and loss of Plaintiff by diverting to themselves or for their benefit and away from Plaintiff the alleged properties and income attributable to Tom Petty’s music that rightfully belong to Plaintiff.

67. As a direct and proximate result of Defendants’ unjust enrichment as alleged herein, Plaintiff is entitled to restoration and disgorgement from Defendants of all properties and income wrongfully obtained or diverted from Plaintiff.

68. In doing the acts alleged herein, Defendants have acted with oppression, fraud and malice, and in conscious disregard of Plaintiff’s rights in the conduct of its business and exploitation of its assets, all so as to deprive Plaintiff of the business and profits to which it is entitled and to entitle Plaintiff to an award of exemplary and punitive damages in an amount to be determined at trial.

69. As a result of the aforementioned conduct, Plaintiff is entitled to the imposition of a constructive trust in its favor over all of its assets and the proceeds derived therefrom, which are in the possession, custody or control of Defendants, and to disgorgement from Defendants of all ill-gotten gains wrongfully obtained to the detriment of Plaintiff.

70. As a result of the aforementioned conduct, Plaintiff is entitled to the injunctive relief enjoining Defendants, and all persons acting in concert with them, from further interfering with Plaintiff’s business opportunities and the conversion of its assets. Plaintiff does not have an adequate remedy at law.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as follows:

1. For compensatory damages, including attorneys' fees, in an amount in excess of \$5 million, according to proof at trial;
2. For punitive and exemplary damages in an amount sufficient to punish and make an example of Defendants in an amount according to proof at trial;
3. For recovery from Defendants of all properties of Plaintiff attributable to Tom Petty's music;
4. For the imposition of a constructive trust against Defendants and in favor of Plaintiff over all properties and the proceeds thereof, which are wrongfully in the possession, custody or control of Defendants and rightfully belong to Plaintiff;
5. For restitution to Plaintiff and disgorgement from Defendants of all properties and the proceeds thereof, which were wrongfully obtained by Defendants and rightfully belong to Plaintiff;
6. For injunctive relief enjoining Defendants and all persons acting in concert with them from further interfering with Plaintiff's business opportunities and the conversion of its assets.
7. For costs of suit and attorneys' fees to the fullest extent allowable by law;
8. For pre-judgment and post-judgment interest at the maximum rate permitted by law; and
9. For such other and further relief as the Court deems just and proper.

Dated: May 15, 2019

VENABLE LLP

By: 

Alex M. Weingarten
Attorneys for Plaintiff
PETTY UNLIMITED LLC

DEMAND FOR JURY TRIAL

Plaintiff Petty Unlimited LLC hereby demands a trial by jury.

Dated: May 15, 2019

VENABLE LLP

By: 

Alex M. Weingarten

Attorneys for Plaintiff

PETTY UNLIMITED LLC

VENABLE LLP
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